

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

S. O'REAR,

Plaintiff,

-v-

ARMANDO DIAZ *et al.*,

Defendant.


24 Civ. 1669 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On August 16, 2024, the Court issued an order resolving several discovery disputes. Dkt 66. In the order, the Court addressed defendant Armando Diaz's premature motion for judgment on the pleadings under Federal Rule of Civil Procedure 12(c). The Court construed Diaz's premature Rule 12(c) motion as a Rule 12(b)(6) motion. However, recognizing that this denied plaintiff S. O'Rear an opportunity to amend her complaint in response to the motion to dismiss, the Court gave O'Rear an additional opportunity to amend her complaint solely for the purpose of responding to Diaz's motion. The Court stated: "Any Second Amended Complaint by O'Rear is due September 6, 2024. This deadline will not be extended." *Id.* at 4. O'Rear has not filed a Second Amended Complaint or otherwise moved to extend this deadline. As such, she has waived her opportunity to amend her complaint in response to Diaz's motion. Accordingly, O'Rear shall file any opposition to the motion to dismiss by October 1, 2024. Diaz's reply, if any, is due by October 8, 2024.

SO ORDERED.

A handwritten signature in cursive script, reading "Paul A. Engelmayer".

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PAUL A. ENGELMAYER  
United States District Judge

Dated: September 10, 2024  
New York, New York